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**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS**

In re:

CARROLL JAMES LEBOUEF, III and
CHALLIS LEE LEBOUEF

Joint Debtors.

KAPITUS SERVICING, INC. as servicing
agent of Discount Merchant Funding

Plaintiff,

v.

CARROLL JAMES LEBOUEF, III

Defendant.

CASE NO. 20-43914

CHAPTER 13

ADVERSARY NO: 21-04022-MXM

**AFFIDAVIT OF CHARLES M. RUBIO IN SUPPORT
OF REQUEST FOR ENTRY OF DEFAULT**

CHARLES M. RUBIO, being duly sworn, deposes and says:

1. I submit this Affidavit in support of the Request for Entry of Default.
2. I am a partner of the law firm Parkins Lee & Rubio LLP, counsel to Kapitus Servicing, Inc. ("Kapitus"). I am over the age of 18 years, and not a party to the above-captioned

action.

3. The statements in this Affidavit based on my personal knowledge.

4. On April 12, 2021, Kapitus commenced the above-captioned adversary proceeding against Carroll James LeBouef, III (the "Defendant") by filing an Adversary Complaint (the "Complaint") [ECF 1].

5. The Complaint establishes the value of the claims at a sum certain of \$936,446.53 as of December 31, 2020 [ECF 1 ¶ 9].

6. On April 13, 2021, the Clerk of the Court issued the Summons in this Adversary Proceeding [ECF 5]. The Summons directed that any answer or response to the Complaint should be filed within thirty days of the issuance of the Summons.

7. On April 19, 2021, true and correct copies of the Summons and Complaint were served on Defendant, as evidenced by the Certificate of Service filed with the Court on April 23, 2021 [ECF 6].

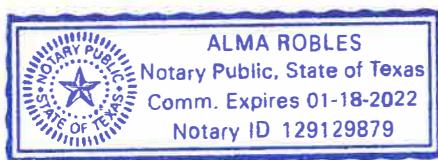
8. As of the date of this filing, Defendant has failed to answer the Complaint.

Dated: May 21, 2021



Charles M. Rubio

Sworn to before me this 21st day of May, 2021.



Notary Public